

September 22, 2020

VIA ECF

Honorable Lewis J. Liman
 U.S. District Court
 Southern District of New York
 United States Courthouse
 500 Pearl St.
 New York, NY 10007

Re: *Litovich v. Bank of America Corporation*
 Case No. 1:20-cv-03154-LJL

Dear Judge Liman:

We write on behalf of Plaintiffs in the above-referenced matter to respectfully request: (1) a four-week extension of the deadline to file the Amended Complaint; and (2) to amend the Initial Case Management Plan and Scheduling Order. This is the first time Plaintiffs have requested the relief sought herein.

On July 14, 2020, the Court entered the Initial Case Management Plan and Scheduling Order (ECF No. 109) (“Initial Scheduling Order”), which allowed Plaintiffs to file an amended complaint within 21 days of the filing of Defendants’ motion to dismiss. On September 10, 2020, Defendants filed their Joint Motion to Dismiss, supported by a 55-page memorandum of law (ECF No. 117). Under the Initial Scheduling Order, Plaintiffs’ Amended Complaint is due on October 1, 2020. We seek four additional weeks (28 days) to draft and finalize the Amended Complaint. Defendants raised numerous issues in their Joint Motion to Dismiss memorandum, which Plaintiffs are planning to address in the Amended Complaint. Certain of Plaintiffs’ counsel with primary responsibility for drafting the Amended Complaint has a scheduling conflict in another action which requires a major brief due in the first week of October. Second, Plaintiffs’ principal consulting expert is observing the upcoming Jewish holidays and is in Jerusalem in lockdown caused by the COVID-19 pandemic.

On September 17, 2020, Plaintiffs emailed Defendants’ counsel asking for Defendants’ position on the proposed amendment of the schedule, offering to meet and confer telephonically as necessary. Defendants’ counsel responded the next day via email, stating Defendants did not oppose Plaintiffs’ request and asking for an additional day to file their renewed motion to dismiss, to which Plaintiffs agreed. Plaintiffs also voluntarily agreed to cut their time of filing their opposition to Defendants’ renewed Motion to Dismiss from 60 days to 44 days. Accordingly, the extension sought will shift the entire schedule by only two weeks and thus, will not cause undue delay. Defendants’ counsel have consented to the amended schedule below.

For the foregoing reason, Plaintiffs respectfully request that the Court grant the extension and modify its Initial Scheduling Order as follows:

Current Deadline	Action	New Deadline
October 1, 2020 (21 days after Defendants file the Motion to Dismiss)	Plaintiffs’ Amended Complaint	October 29, 2020 (49 days after Defendants file the Motion to Dismiss)

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Current Deadline	Action	New Deadline
November 16, 2020 (45 days after Plaintiffs file the Amended Complaint)	Defendants' Renewed Motion to Dismiss	December 15, 2020 (47 days after Plaintiffs file the Amended Complaint)
January 15, 2021 (60 days after Defendants file the Renewed Motion to Dismiss)	Plaintiffs' Opposition to Defendants' Renewed Motion to Dismiss	January 28, 2021 (44 days after Defendants file the Renewed Motion to Dismiss)
March 1, 2021 (45 days after the filing of Plaintiffs' Opposition)	Defendants' Reply to Renewed Motion to Dismiss	March 15, 2021 (45 days after the filing of Plaintiffs' Opposition)

Respectfully submitted,

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s/ Christopher M. Burke

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Interim Class Counsel

The revised schedule is GRANTED.

SO ORDERED.



LEWIS J. LIMAN
 United States District Judge

9/25/2020